

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

07-CV-14 (CONSENT)

\$46,420.46 UNITED STATES CURRENCY,

Defendant

ORDER

WHEREAS, on January 7, 2008, plaintiff moved this Court pursuant to Rule 37(b)(2)(C) of the Federal Rules of Civil Procedure to strike the claim and answer filed by John Dobrzanski;

AND WHEREAS, by Order dated January 9, 2008, this Court directed the claimant to file a response to plaintiff's motion by January 29, 2008. The Order further included an Irby notice to claimant's counsel;

AND WHEREAS, claimant nor his counsel have responded to plaintiff's motion to strike and neither have sought an extension to file a response;

AND WHEREAS, on February 15, 2008, claimant's counsel failed to appear for argument of the motion to strike and for a status conference and has not contacted the Court to reschedule these proceedings;

NOW, THEREFORE, it is hereby ORDERED, that the Claim (Document No. 12) and the Answer (Document No. 11) of John Dobrzanski be stricken from the docket by the Clerk of the Court; and it is further

ORDERED, that a Judgment of Default be entered against the defendant currency and it is hereby

ORDERED, that the defendant currency in the amount of \$46,420.46 United States currency is hereby forfeited to the United States of America pursuant to Title 31, United States Code, Sections 5317 and 5332 to be disposed of according to law; and it is further

ORDERED, that any claims to the defendant currency are hereby forever barred.

DATED: Buffalo, New York, February 19 , 2008.

/s/ Hugh B. Scott
HONORABLE HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE